IN THE STATE COURT OF CLAYTON COUNTY STATE OF GEORGIA ROY P. EDWARDS Plaintiff, v. Civil Action File Number: 2017CV01486 SAM E. REYNOLDS and JOHN DOE Defendant.

DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS TO A NON-PARTY

To: United States Environmental Protection Agency Sam Nunn Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303

Pursuant to the provisions of Rule 34 of the Georgia Civil Practice Act O.C.G.A 9-11-34, defendant hereby requests that the above-referenced non-party produce and permit the inspection and copying of the documents designated hereinafter. If the plaintiff does not serve an objection to this request in the next twenty (20) days and the requested records are produced, O.C.G.A § 9-11-34 (c) (3) provides that the above-named non-party "shall be immune from regulatory, civil, or criminal liability or damages notwithstanding that the produced documents contained confidential or privileged information."

HIPAA COMPLIANCE: This request is authorized pursuant to the Health Insurance Portability and Accountability Act, and the Privacy Regulations adopted thereunder in 45 CFR part 164, effective April 14, 2003. Under 45 CFR 164.512(e). Protected health information pursuant to this lawful discovery request may be disclosed, if (a) more than twenty (20) days has passed, and (b) no objections have been filed. Defendant has complied with notice requirements by sending a copy of this discovery request to the plaintiff's attorney.

The documents shall be produced for inspection and copying on <u>December 16, 2017</u> at 9:30 a.m., at SMITH MOORE LEATHERWOOD, LLP. In lieu of personal production, and in the absence of prior objection, the documents may be mailed to CHOICE LEGAL, INC., 9204 KING PALM DRIVE, TAMPA FL 33619.

As used herein, the term "document" shall mean the original of every writing or record of every type and description that is in your actual and/or constructive possession, custody, or control. The materials include without limitation, correspondence, memoranda, stenographic and handwritten notes, studies, publications, books, pamphlets, voice recordings, reports, minutes, electronic mails, electronic files, memoranda of agreement, diaries, calendars, invoices, bills, summaries, and medical records. The request includes every copy of such document whether or not the original is in your possession, custody, or control. Any document bearing on any side thereof any marks, such as (but not limited to) initials, stamped indicia, comments or notations, of any character and not a part of the original text or photographic reproduction thereof, is to be considered and produced as a separate document.

"Employee" shall mean Roy P. Edwards, DOB: 11/16/1957

The documents to be produced are:

a) Documentation of employment, wages, salary, disciplinary action, termination or resignation, retirement benefits, pension benefits, and any and all other documentation of every kind and nature which in any way

relates to the employee

b) Your entire file on employee;

This 1st day of December, 2017.

SMITH MOORE LEATHERWOOD, LLP

By: <u>/S/ David Lin</u>
David Lin
Georgia Bar No. 482616
Attorney for Defendant

Physical Address: Regions Plaza 1180 West Peachtree Street NW, Suite 2300 Atlanta, GA 30309-3482 Direct: 404.962.1067 www.smithmoorelaw.com

Choice # 55560.011

If copy costs exceed \$100 please contact Choice Legal, Inc. for approval

Choice Legal, Inc. 9204 King Palm Drive Tampa, FL 33619 (813) 229-1444 records@choicelegal.com

IN THE STATE COURT OF CLAYTON COUNTY STATE OF GEORGIA ROY P. EDWARDS Plaintiff,) Civil Action File Number: 2017CV01486 v. SAM E. REYNOLDS and JOHN DOE Defendant. **CERTIFICATION AND DECLARATION** Before the undersigned officer, duly authorized by law to administer oaths, came , who first being sworn, deposed, affirmed that he/she is a custodian or other qualified person competent to attest to the following, hereby certifies that the enclosed documents constitute the materials responsive to the Request for Production of Documents in the care, custody and control of United States Environmental Protection Agency. Said employment records attached hereto are certified to constitute the entire record relating to the employee and such information is kept in this institution as reasonably necessary. Further, these records were created at or near the time of the described acts and/or events; made by, or from information transmitted by, a person with personal knowledge and a business duty to report; kept in the course of a regularly conducted business activity; and it was the regular practice of that business activity to make the memorandum, report, record, or data compilation. This _____, 2017. Records Custodian Sworn to and Subscribed before me, this the __ day of ______ 2017. Notary Public

Choice # 55560.011

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for opposing parties in the foregoing matter with a copy of the attached pleading by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to ensure delivery to:

Randal E. Fry, Esq. The Fry Law Firm 1401 Peachtree Street Northeast, Suite 500 Atlanta, GA 30309

This 1st day of December, 2017.

By: <u>/S/ David Lin</u>
David Lin
Georgia Bar No. 482616
Attorney for Defendant

Choice # 55560.011

		COURT OF CL ATE OF GEOI	AYTON COUNTY RGIA		
ROY P. EDWARDS)			
Plaintiff, v.))) Civil A)) Civil Action File Number: 2017CV01486		
SAM E. REYNOLDS and JOHN DOE)			
Defenda	int.)			
	<u>AFFIDAV</u>	TT OF NO	RECORDS		
Records Pertaining To: Roy P. Edwards		D	DOB: 11/16/1957		
Type of Records:	Employment				
•	I, am the Custodian of Ravironmental Protections of age, competent of n	on Agency	davit and personally	acquainted with the	he facts herein
(a) That a thoroudescribed above, on the pe	igh search of our files, or rson(s) named in the att			control, revealed	no records, as
(b) It is to be und name or under another clas knowledge, no such record					
COUNTY OF	subscribed before m)	n of Records day of		
		Notary P My Com	ublic mission Expires:		

Order No. 55560.011